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March 3, 1990

Second District Court of Appeals
Division 3
3580 Wilshire Blvd
Los Angeles Ca. 90010

Re: Church of Scientology of
California v. Gerald
Armstrong
Appeal No. B 025920

Dear Sir:

On February 28, 1990, defendant Gerald Armstrong filed a petition in this appeal requesting leave to file a late respondent's brief. Attached thereto was a copy of the partial settlement agreement with the appellants herein under which he was expressly prevented from opposing the appeal. The same agreement was attached to a filing by Mr. Armstrong in Appeal No. B 038975 now pending in Division 4 which arises from the same lawsuit. That appeal involves the post trial request of Bent Corydon, the client of the undersigned attorneys, to unseal the court file. Throughout the proceedings regarding the unsealing of the file, the appellants have contended that the Settlement Agreement required the file to be sealed.

Because of the extraordinary nature of the settlement agreement and, further, because contrary to the representations of counsel to the trial judge, there is no provision in the Settlement Agreement for the sealing of the court file, Division 4 requested the undersigned to provide further background to the Court regarding the circumstances surrounding the Settlement Agreement even though the briefing in that is complete. Since the prosecution of the appeal in Division 3 is based on the Settlement Agreement which, as described above, may be illegal and may provide for a collusive appeal and/or fraud on the court, and, in the interests of justice, we request Division 3 to take judicial notice of the transmittal to Division 4, made at its request, and enclose it herewith in its entirety, including exhibits.

Very truly yours,

Toby L. Plevin

Paul Morantz